

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-CR-20560

UNITED STATES OF AMERICA

v.

RODERICK VANDERBILT

Defendant.

**GOVERNMENT'S UNOPPOSED MOTION TO AUTHORIZE ALTERNATIVE VICTIM
NOTIFICATION PROCEDURES**

The United States, through undersigned counsel, respectfully moves this Court, pursuant to 18 U.S.C. § 3771(d)(2), for authorization to use alternative victim notification procedures — namely, publication on a Department of Justice website — because the large number of potential crime victims in this case makes it impracticable to notify victims on an individualized basis. The Defendant does not oppose the Government's motion. In support of its motion, the Government states the following:

1. The Crime Victims' Rights Act ("CVRA"), 18 U.S.C. § 3771, provides crime victims with certain rights, including the right to "reasonable, accurate, and timely notice" of public court proceedings. 18 U.S.C. § 3771(a). A "crime victim" is defined as "a person directly or proximately harmed as a result of the commission of a Federal offense . . ." 18 U.S.C. § 3771(e). In cases involving "multiple crime victims" where the court "finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in [18 U.S.C. § 3771](a), the Court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings."¹⁸

U.S.C. § 3771(d)(2).

2. The Government respectfully submits that this case involves “multiple crime victims” under 18 U.S.C. § 3771(d)(2) because of the number of potential crime victims.
3. On December 31, 2024, Defendant, the former Chairman of the Board and Principal Executive Officer of Vinco Ventures, Inc. (“Vinco Ventures”), was charged via Information with one count of conspiracy to commit securities fraud in violation of Title 18 United States Code Section 371. According to the Information, from at least November 2020 through at least September 2024, the Defendant conspired to defraud investors in Vinco Ventures’ securities.
4. Because of the nature of Defendant’s scheme, there are numerous potential victims. Throughout the period of the conspiracy, Defendant and others made numerous false and misleading statements to investors, falsely inflating the price of Vinco Ventures stock and causing tens of millions of dollars in victim losses. Thus, the Government believes that Defendant’s crime may have affected thousands of investors and other market participants — all potential crime victims — who traded Vinco Ventures securities during the relevant period.
5. Given the number of potential crime victims, this case involves “multiple crime victims” under 18 U.S.C. § 3771(d)(2) because it is impracticable for the Government to, among other things, identify and provide individualized notice to each potential crime victim pursuant to 18 U.S.C. § 3771(a).
6. As an alternative procedure to notify potential crime victims in this case, the Government proposes that it maintain a public Department of Justice website at <https://www.justice.gov/criminal/criminal-vns/case/united-states-v-roderick-vanderbilt>.

The website provides a summary of the case, information regarding the case's status, and other significant case-related documents, such as the charging documents and upcoming court hearings. The website also contains an e-mail address and telephone number for a Victim Assistance Line through which individual potential crime victims could contact the Department of Justice with questions regarding the case.

7. Courts have authorized the use of a website by the Government to notify potential crime victims under the CVRA in other complex fraud cases that involved numerous potential victims, including cases with potential victims of conduct like that in this case. *See United States v. Schessel*, 2:22-cr-374-ES, Dkt. No. 31 (D.N.J. Nov. 21, 2022) (permitting victim notification via website in case charging a securities fraud scheme against former public company CEO alleged to have made false and misleading statements about order for COVID-19 test kits); *see also United States v. Peizer*, 2:23-cr-000089, Dkt. No. 46 (C.D. Cal. Apr. 24, 2023) (granting motion to permit victim notification through use of a website in a Rule 10b5-1 plan insider trading case involving potentially hundreds of unknown victims in the securities market); *United States v. Zhao*, 1:18-cr-24, Dkt. No. 53 (N.D. Ill. Jan. 23, 2019) (permitting notification of potential victims of spoofing through publication on a Department of Justice website as an alternative means of individualized notice); *United States v. Elbaz*, 18-CR-157-TDC, Dkt. No. 89 (D. Md. Nov. 5, 2018) (granting motion to permit victim notification through the use of a website in a case involving an alleged conspiracy to defraud investors in binary options); *United States v. Babich*, No. CR 16-10343-ADB, 2017 WL 8180771, at *3 (D. Mass. Aug. 8, 2017) (finding alternative victim notification procedures appropriate, including the use of websites, in a fraud case involving a four-and-a-half year conspiracy where the government "had positively

identified approximately 30 victims and potentially there were thousands of victims"); *United States v. Saltsman*, No. 07-CR-641 (NGG), 2007 WL 4232985, at *2 (E.D.N.Y. Nov. 27, 2007) ("Given the large number of potential alleged crime victims, notification by publication [on the U.S. Attorney's Office website or a Department of Justice website] is a reasonable procedure that will both give effect to the [statute] and will not unduly complicate or prolong the proceedings.").

8. The Government has conferred with counsel for Defendant who does not oppose this motion.

Respectfully submitted,

LORINDA I. LARYEA
ACTING CHIEF, FRAUD SECTION
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

By: /s/ Kate T. McCarthy
Kate T. McCarthy
Lauren Archer
Matthew Reilly
Trial Attorneys
Florida Special Bar No. A5502801 (McCarthy)
United States Department of Justice
Criminal Division, Fraud Section
1400 New York Ave., NW
Washington, DC 20005
Tel: (202) 714-7932
Email: Katherine.McCarthy@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2025, the foregoing was filed conventionally and served on all counsel of record as described in Local Rule 5.4.

/s/ Kate T. McCarthy
Kate T. McCarthy
Trial Attorney
Florida Special Bar No. A5502801
United States Department of Justice
Criminal Division, Fraud Section
1400 New York Ave., NW
Washington, DC 20005
Tel: (202) 714-7932
Email: Katherine.McCarthy@usdoj.gov